

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

After entry of the foregoing amendment, Claims 1, 3, 20, 27, 28, 34, 67 and 69-71 are pending in the present application. Claim 2 has been cancelled without prejudice or disclaimer. Claims 1, 27, 34, 67 and 71 have been amended. Support for the amendments is found at least at Figure 4 of the specification. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1-3, 20, 27, 28, 34, 67 and 69-71 stand rejected under 35 U.S.C. § 112, second paragraph; and Claims 1-3, 20, 27, 28, 34, 67 and 69-71 stand rejected under 35 U.S.C. § 102 as being unpatentable over Yu, et al. (U.S. Patent Publication 2003-0105496, hereinafter Yu).

REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Official Action has rejected Claims 1-3, 20, 27, 28, 34, 67 and 69-71 under 35 U.S.C. § 112, second paragraph. The Official Action contends that these claims are indefinite for failing to particularly point out and distinctly claim the subject matter. Applicant respectfully traverses the rejection.

With respect to Claims 1 and 67, Applicant notes with appreciation the technical considerations introduced by left ventricle configurations. Nonetheless, it is noted at least at paragraph 58 of the current specification that such orientations are supported. Therefore, Applicant respectfully submits that these claims are definite.

With regard to the rejection of Claims 27, 34 and 71, Applicant has amended these claims to address informalities. Likewise, Claim 2 has been cancelled without prejudice or disclaimer.

Accordingly, Applicant respectfully requests that the rejection of 1-3, 20, 27, 28, 34, 67 and 69-71 under 35 U.S.C. § 112, second paragraph, be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

The Official Action has rejected Claims 1-3, 20, 27, 28, 34, 67 and 69-71, under 35 U.S.C. § 102. The Official Action contends that Yu describes all of the Applicant's claimed features. Applicant respectfully traverses the rejection.

Applicant's amended Claim 1 recites, *inter alia*, a method of configuring signaling locations within a heart for performing intrachamber resynchronization, including:

positioning signaling electrodes to deliver stimulation to only a left ventricle of the heart, the signaling electrodes being positioned along a first and second axis interior to the heart, the second axis extending within the left ventricle to position at least one first signaling electrode of the signaling electrodes thereabout, the first axis extending into a right ventricular septum of the heart to position at least one second signaling electrode of the signaling electrodes at a position for delivering stimulation to the left ventricle; and

delivering, to the left ventricle, stimulation via the at least one first and second signaling electrodes for performing the intrachamber resynchronization. (emphasis added)

Yu describes a cardiac resynchronization system in which mechanical measurements of cardiac wall motion (via accelerometer) are determined for changing the delivery of stimulation pulses delivered internal to the heart.¹ Upon detection of predetermined mechanical motion, pulses of varying intervals are delivered to the heart for correcting synchronization of ventricular wall contraction.

Conversely, in an exemplary embodiment of the Applicant's claimed advancements, as amended, a horizontal and vertical placement of an electrode vector is provided relative to the left ventricle. Specifically, signaling electrodes are positioned to deliver stimulation to

¹ See paragraph 24; Figure 3.

only the left ventricle of the heart. The signaling electrodes are positioned along a first and second axis interior to the heart, the second axis extending within the left ventricle to position at least one first signaling electrode of the signaling electrodes, thereabout. The first axis extends into a right ventricular septum of the heart to position at least one second signaling electrode of the signaling electrodes at a position for delivering stimulation to the left ventricle. A stimulation is delivered to the left ventricle via the at least one first and second signaling electrodes for performing the intrachamber resynchronization.

As Yu describes delivering multiple accelerometers internal to a heart, across multiple locations within the right ventricle and the left ventricle of the heart, Yu cannot be said to disclose or suggest Applicant's claimed configuration which delivers stimulation **to only the left ventricle of the heart via the claimed configuration signaling electrodes.**

Accordingly, Applicant respectfully requests that the rejection of Claims 1-3, 20, 27, 28, 34, 67 and 69-71 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application, including Claims 1, 3, 20, 27, 28, 34, 67 and 69-71 is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

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